

Florida Building Commission

Attachment to the July 10 - 11, 2000 Minutes

**Facilitators' Report of the July 10 - 11, 2000
Commission Meeting**

Sarasota, Florida

Meeting Design & Facilitation By:



**Florida Building Commission
Attachment to the July 10 - 11, 2000 Minutes**

I. OVERVIEW OF COMMISSION'S KEY DECISIONS

Monday, July 10, 2000

Product Approval Ad Hoc

The Product Approval Ad Hoc met and committee members and stakeholders/participants identified their individual ideas relative to a list of issues the committee previously identified as issues necessary to resolve in order to complete recommendations for a state wide Product Approval system.

(Attachment 2)

Review and Approval of June 13, 2000 Meeting Minutes

The Commission unanimously, by a vote of 19 – 0 in favor, adopted the minutes from the June 13, 2000 Commission meeting.

Review and Approval of Agenda

The Commission reviewed and unanimously, by a vote of 19 – 0 in favor, approved the agenda as presented.

Discussion of Legislature's Policies for Review of Proposed Administrative Rules

Legal staff made a brief presentation to the Commission on rule promulgation timelines.

(Attachment 3)

Introduction to Closed Sessions

Legal staff presented the Commission with an overview of the purpose and parameters for holding a closed session to discuss and consider options for resolving rule challenges; such as the current rule challenge to the proposed Building Code Rule. It was noted that only specific issues relative to the challenge before the Commission could be discussed and that participation would be limited to the Commission, the Commission's Executive Director, and DCA legal staff.

Closed Session to Discuss Settlement of Rule Challenges to the Building Code Rule

The Commission held a closed session to discuss possible options for resolving the pending rule challenges to the Building Code Rule.

Review and Approval of Commission's Workplan

The Commission reviewed the workplan and task delivery schedule and voted unanimously, by a vote of 19 – 0 in favor, to adopt the workplan as presented.

(Attachment 4)

Product Approval System Development Process and Timelines

At the Chair's request the Commission reviewed the revised product approval system process and timelines that were approved in July, and unanimously agreed to change the date for final adoption, from January 2001 to December of 2000, by a vote of 19 - 0 in favor.

(Attachment 5)

Review and Approval of Proposed Transition Training Contracts

The Commission unanimously approved, by a vote of 19 – 0 in favor, to authorize DCA staff to negotiate a contract with the Center for Professional Development (CPD) at Florida State University to develop transition training curricula for the technical codes.

Code Dissemination Ad Hoc Report and Recommendations

Commissioner Wiggins presented the committee's report and recommendations. After a motion and second to approve the committee's report and recommendations, Commissioner Shaw proposed an amendment adding: Citizens of Florida and contractors holding a valid Florida contractor's license will receive copies of the code at the lowest possible cost. The amendment was approved by a vote of 15 – 5 in favor.

The original motion to accept the committee's recommendations as amended was approved by a unanimous vote of 20 – 0 in favor.

(Attachment 6)

Manufactured/Prototype Buildings Ad Hoc Report and Recommendations

Commissioner Parrinno presented the committee's report and recommendations which the Commission unanimously approved, by a vote of 20 – 0 in support.

(Attachment 7)

Product Approval Ad Hoc Progress Report

Commissioner Mehlretter presented the committee's report and the Commission unanimously approved the report by a vote of 20 – 0 in favor.

(Attachment 2)

Rule Change/Amendment Process Refinement

Chairman Rodriguez explained to the Commission that following his review of the modifications and proposed changes to the building code rule that he and staff were proposing a minor change to the process that the Commission adopted in June of 2000. Jeff Blair explained that the proposed process modifications and refinements were designed to expedite the process for reviewing and deciding on the modifications and proposed changes. Following is the proposed process for considering and deciding on the modifications and proposed changes to the Building Code Rule:

- □ As Required by law only those modifications and proposed changes that included a fiscal impact statement would be considered by the Commission; and, any previously adopted modification to the base code that received public comment but did not provide a fiscal impact statement would be removed from the code as required by HB 219.
- □ The recommendations were organized into 8 categories.
- □ Recommendation Package #1 are changes deferred for further review at a later time, and were not forwarded by the Chair for Commission consideration.
- □ Recommendation Packages #2 and 4 were not forwarded by Chair for Commission consideration since they did not meet the criteria approved by the Commission for the Chair to use for deciding whether or not to forward proposed changes to the rule to the Commission for consideration.

- Recommendation Package #3 are editorial and the recommendation is that they be considered on a consent agenda.
- Recommendation Package #5 are conforming the FBC to law and the recommendation is that they be considered on a consent agenda.
- Recommendation Package #8 are changes mandated by HB 219 and the recommendation is to instruct and authorize staff to make the needed changes to the code in order to implement Legislative intent as mandated in HB 219.
- Recommendation Package # 7 are previously adopted modifications to the base code that received public comment and submitted a fiscal impact statement. The Chair referred all of them for Commission consideration. The recommendation is to consider these modifications individually and not as previously agreed, on a consent agenda.
- Recommendation Package # 6 are those proposed changes that submitted a fiscal impact statement and the Chair decided comply with his criteria for referral for Commission consideration. The recommendation is to consider them individually.

The Chair recommended, and the Commission agreed by a unanimous vote on Monday afternoon, to consider the modifications and proposed changes in the following order: Recommendation Package # 3, 5, 8, 7, 6. The Commission was shown a matrix reflecting the order for consideration of the proposed changes and modifications that they would be using on Tuesday morning to assist them in the review and decision on modifications and proposed changes. In addition, on the first day(Monday) the Commission members received two binders: one containing all of the proposed changes to the code and all of the previously adopted modifications to the base code; and a second binder including all of the fiscal impact statements.

TUESDAY, JULY 11, 2000

Agenda Review

Jeff Blair reviewed the agenda approved by the Commission on Monday, July 10, 2000, and noted the issues that were deferred from Monday for consideration on Tuesday's agenda.

Public Comment

For almost two hours, approximately twenty one (21) members of the public presented comments to the Commission. Comments primarily focused on the proposed modifications and proposed changes to the Building Code Rule that the Commission would be considering immediately following the public comment period.

Before beginning the amendment process the Chair requested an overview of the process and an orientation to the materials that the Commission would be using during the amendment process. The Commission's facilitator, Jeff Blair, provided the Commission with a process overview and materials orientation. Following are the key points of the review:

- Order of consideration as previously agreed: Recommendations # 3, 5, 8, 7, 6.
- Recommendation package #3 and #5 were to be considered on a consent agenda
- Recommendation package # 8: the Commission would authorize staff to make changes necessary to comply with HB 219.
- Recommendation package # 7: review of the 18 previously adopted modifications to the base code that would be considered individually.
- Recommendation package # 6: the new proposed changes to the Building Code Rule to be considered individually.

The matrix chart contained the proposed changes and modifications that were to be considered by the Commission. It was organized according to the agreed upon order of recommendations # 3, 5, 8, 7, 6. The Commission and facilitators used the matrix as their guide and the tracking chart for a synopsis of the amendments. The Commission was then oriented to the four packets of tracking charts which provide a brief synopsis of the amendment. It was explained that the amendments could be found by their sequential numbers. To minimize confusion, the Commission was asked to number each of the four packets (1 -4) :

- □ #1 contains PFC amendments
- □ #2 contains 2PFC amendments
- □ #3 contains 3PFC amendments
- □ #4 contains 4 PFC amendments

Next, the Commission was asked to utilize the materials they had read in the two binders including the complete text of the proposed changes and modifications and the required fiscal impact statements for each of these proposed changes. The commission was reminded of the statutory criteria for considering changes to the rule including fiscal impact and that the fiscal impact statements were included, pursuant to the legislative charge to the Commission, for members to review in making their own judgments for each proposed change based on the criteria.

Recommendation Package #3

At Commissioner Browdy’s request, Rick Dixon explained the type of comments that were classified as editorial in nature. Rick explained that the type of comments that were covered under recommendation package #3 were issues such as spacing, plurals, adding missing graphics, and correlating referenced sections and tables.

The Commission was asked if any Commissioner wished to pull a modification off of the consent agenda for individual consideration. There were no amendments pulled and the Commission unanimously approved, by a vote of 21 – 0 in favor, to adopt all of the proposed changes in recommendation package #3.

Following are the amendments adopted under recommendation package #3:

Package Adopted Unanimously	21 – 0 in Favor of Adoption
Building Code	
PFC006	4PFC048
PFC007	4PFC049
PFC008	4PFC050
PFC009~	4PFC051
PFC012	4PFC052
PFC016*	4PFC053
PFC 020	4PFC054
PFC034	4PFC067
2PFC002~	4PFC068
2PFC028	
2PFC029	Plumbing Code
2PFC034	PFC19
2PFC040	4PFC055

2PFC041	
2PFC047	Gas Code
3PFC003	4PFC073
3PFC028	
4PFC001	Mechanical Code
4PFC002 ~	4PFC074
4PFC003	
4PFC004	
4PFC005	
4PFC006	
4PFC007	
4PFC008	
4PFC046	
4PFC047	

*PFC16 (3, 4, 6, 7, 9, 13, 14, 16, 18, 19, 20, 30, 31, 32, 34, 35, 36, 37, 45, 62, 67, 71, 72, 75, 79, 80, 82)

~ Submitted by a Commissioner

Recommendation Package #5

The Commission unanimously approved, by a vote of 21 – 0 in favor, to adopt all three (2PFC001, 4PFC043, and 4PFC075) of the proposed changes in recommendation package #5.

Recommendation Package #8

The Commission unanimously approved, by a vote of 21 – 0 in favor, to direct and authorize staff to make the changes to the building code necessary to comply with the mandates of HB 219.

Consideration of Previously Adopted Base Code Modifications (Recommendation Package #7)

After the Commission considered and decided on modifications 3PFC022, 3PFC024, and 4PFC069-6-3 it was apparent that there was some confusion as to what the motion actually entailed. Legal clarified that Commissioners should vote to retain the modification to the base code in the proposed Florida Building Code, and that if the proponent provided language for an amendment, the proposed change to the original modification should be considered separately under recommendation package #6 (proposed changes to the Building Code Rule).

The modifications were reviewed with the understanding that an affirmative vote was a vote to retain the previously adopted modification to the base code in the current proposed building code rule. It was also explained that Commissioners should consider the modifications according to the criteria established by law including the included fiscal impact statements.

In light of the clarification regarding the nature of the motions to approve, the Commission voted to reconsider modifications 3PFC022, 3PFC024, and 4PFC069-6-3.

The Commission subsequently voted to retain modifications 3PFC022, 3PFC024, and 4PFC069-6-3, by a vote of 21 – 0, 21 – 0, and 19 – 3 respectively. In addition it was agreed that since modifications 3PFC022 and 3PFC024 contained language for proposing a change to the rule, the amendatory language would be considered separately under recommendation package #6.

The Chair recessed the plenary session for lunch and requested that staff organize the modifications and fiscal impact statements within recommendation package #7 so they could be found more readily by the Commission when they returned from lunch.

Upon returning from lunch, the facilitator explained to the Commission that staff had marked each of the modifications in their binders and each of the fiscal impact statements in sequential order so they could refer to them as needed while considering the modifications contained in recommendation package #7. In addition, the Commission was reminded that they must move to retain each of the recommendations contained within recommendation package #7 and then vote affirmatively to retain the previously adopted modification to the base code or negatively to remove the modification from the proposed Building Code Rule/Florida Building Code.

Following are the results of the modifications considered under recommendation package # 7:

Prior to consideration of the following modifications, there was a motion to extend the process for considering modifications and changes for 1 month and to consider and decide on modifications and proposed changes at the August 2000 meeting. The Commission voted 2 for and 18 against the motion. The motion failed, and modifications and changes would be considered as previously approved by the Commission at the July 2000 meeting.

Amend. #	Yes	No	Adopted	Amended
Building Code			To Retain	
3PFC022 (s.2111.1.6)	21	0	Yes	
3PFC024 PFC024 (s.1816, s.1816.1 BUILD008r2)	21	0	Yes	
4PFC069-6-3 (cAE10)	19	3	Yes	
4PFC069-6-4 (AdmEnf046)	13	8	No	
4PFC069-10 *	20	2	Yes	
4PFC069-11 (AdmEnf034)	20	2	Yes	
4PFC069-12 (AdmSO001)	22	0	Yes	
4PFC069-13 (EN010)	19	3	Yes	*1
4PFC069-14 (EN044)	21	1	Yes	
4PFC069-15 (EN006r1)	20	2	Yes	
4PFC069-16 (c3BS15)	21	1	Yes	*2
4PFC069-17 (BUILD021)	20	2	Yes	

4PFC069-19 (c2BS44)	19	3	Yes	
4PFC069-20 (BUILD022r2)	20	2	Yes	

Amend. #	Yes	No	Adopted	Amended
Plumb. Code			To Retain	
4PFC069-28 (PLUMB008)	22	0	Yes	
4PFC069-29 (PLUMB027)	22	0	Yes	
4PFC062 (PLUMB012)	20	2	Yes	
Mech. Code				
4PFC069-31 (MECH091)	16	6	No	

***4PFC069-10 (3AE31, BUILD008r1-r2, cBS027, cBS102a, b, c, d)**

~ Submitted by a Commissioner

***1 4PFC069-13 (EN010)**

Motion to reconsider modification 4PFC069-13 :

8 – 14 in favor, motion failed.

***2 4PFC069-16 (c3BS15)**

Update to ASTM 3161 –99A

21 – 1 approved as amended.

Consideration of Proposed Amendments/Changes to Building Code Rule

The facilitator reminded the Commission that the Commission’s unanimously approved process allows that only the Chair can propose amendments to proposed changes to the Building Code Rule in order to build consensus on a proposed change to the code. However, when the proposed change to the rule is submitted by a Commission member, the Commissioner sponsoring the change may accept friendly amendments to their proposed changes from other Commissioners.

Following are the results of the modifications considered under recommendation package # 6:

Prior to consideration of the following proposed changes to the Building Code Rule, there was a motion to extend the process for considering the changes within recommendation package #6 for 1 month and to consider and decide on proposed changes at the August 2000 meeting. The Commission voted 8 for and 14 against the motion. The motion failed, and the proposed changes would be considered today (Tuesday), as previously approved by the Commission at the July 2000 meeting.

Recommendation #6—Proposed Changes/Amendments 1

Amend. #	Yes	No	Adopted	Amended
Building Code				
PFC001	2	19	No	
PFC010~	21	0	Yes	
PFC011~	20	0	Yes	Yes @1
PFC014~	18	2	Yes	
PFC021	20	0	Yes	
PFC028/ 3PFC009	20	0	Yes	
2PFC007	20	0	Yes	
2PFC001~	20	0	Yes	
PFC022	19	0	Yes	
PFC023	19	0	Yes	
2PFC008	15	4	Yes	
3PFC002	19	0	Yes	Yes@2
3PFC012	19	0	Yes	
3PFC015	4	15	No	
High Velocity				
3PFC016	6	14	No	
3PFC019	6	14	No	
3PFC020	4	16	No	
3PFC021	5	15	No	
3PFC023	5	15	No	
Plans Review				
4PFC040	20	0	Yes	Yes@3
4PFC056	20	0	Yes	Yes@4

Recommendation #6—Proposed Changes/Amendments 2

The following fire changes were placed on a consent agenda and the Commission voted unanimously, by a vote of 20 -0 in favor, to adopt the entire package of fire related changes into the Florida Building Code Rule.

Amend. #	Yes	No	Adopted	Amended
Fire	20	0	Yes	
2PFC013				
2PFC014				
2PFC015				
2PFC016				
2PFC017				
2PFC018				
2PFC019				
2PFC020				

2PFC021				
2PFC022				
2PFC023				
2PFC024				
2PFC025				
2PFC026				
3PFC025				
4PFC009				
4PFC010				
4PFC011				
4PFC012				
4PFC013				
4PFC014				
4PFC015				
4PFC016				

Recommendation #6—Proposed Changes/Amendments 3

Amend. #	Yes	No	Adopted	Amended
Fire	20	0	Yes	
4PFC017				
4PFC018				
4PFC020				
4PFC021				
4PFC022				
4PFC023				
4PFC024				
4PFC025				
4PFC026				
4PFC027				
4PFC028				
4PFC029				
4PFC030				
4PFC031				
4PFC032				
4PFC033				
4PFC034				
4PFC035				
4PFC036				
4PFC037				
4PFC038				
4PFC039				
4PFC058				
4PFC059				
4PFC060				
4PFC061				
4PFC063				

Recommendation #6—Proposed Changes/Amendments 4

Amend. #	Yes	No	Adopted	Amended
4PFC042	20	0	Yes	
3PFC022	20	0	Yes	
3PFC024	20	0	Yes	
4PFC072	20	0	Yes	
Plumb. Code				
3PFC006	19	1	Yes	
3PFC007	20	0	Yes	
Gas Code				
2PFC003	19	0	Yes	

Yes @1 PFC011~

Friendly Amendment accepted:

Enforcement and interpretation of these provisions shall be by the state agency authorized by Chapter 553.73(12) F.S.

Yes @2 3PFC002

Amendment offered by the Chair:

Add: approved by the Florida Building Commission;
system or other approved by the Florida Building Commission

Yes @3 4PFC040

Amendment offered by the Chair:

Use only the minimum plan review criteria for residential one and two family that was adopted and recommended by the Plans Review Ad Hoc Committee.

Yes @4 4PFC056

Amendment offered by the Chair:

Would shall

Discussion of Legislature’s Policies for Review of Proposed Administrative Rules

Legal staff provided the Commission with an overview of the Joint Administrative Procedures Committee’s (JAPC) general policy for reviewing proposed administrative rules such as the proposed Building Code Rule. Staff indicated that JAPC ‘s policy is not to allow discretionary powers (unbridled discretion) in rules.

During the discussion leading to the vote relative to Section 109 (Violations and Penalties), legal staff indicated that JAPC is also concerned with repeating requirements from the Law into administrative rules.

Rick Dixon proposed and the Commission accepted that the essential requirements from Law will be printed and distributed with code books, but not adopted as a part of the code.

Commissioner Wiggins moved that staff be authorized and directed to comply with the requirements of JAPC policies for administrative rules. The motions was as follows:

The Commission unanimously approved, by a vote of 19 – 0 , to:

- Eliminate all sections of Chapter 1 of the Florida Building Code with the exception of sections 101, 104, 105, and 106.
- Remove all clauses in sections 101, 104, 105, and 106 allowing discretionary action by indicating “may”.
- Remove all clauses in sections 101, 104, 105, and 106 authorizing “and/or” with the exception of changing the “and/or” in section 101.45 to “or”.
- Change all references in sections 101, 104, 105, and 106 from “included but not limited to” ...to...” at a minimum shall include.”

Approval of Meeting Dates

The Commission approved changing the August 2000 Commission meeting from August 7 – 8, to August 21 – 22, and the September 2000 Commission meeting from September 11 – 12 to September 18 –19.

Review Committee Assignments and Issues for August’s Commission Meeting

Following are the Ad Hoc committees and TACs that will meet prior to the August 21 Commission plenary session.

Product Approval subcommittee to present recommendations on grandfathering

Product Approval Ad Hoc

Manufactured Building Ad Hoc

Plumbing Ad Hoc

Accessibility TAC

Special Occupancy Ad Hoc

Attachment 1

Florida Building Commission
July 10 - 11, 2000
Sarasota, Florida

Meeting Evaluation Summary

How Well Did the Commission Achieve the Meeting Objectives?

	<i>Circle One</i>					<u>Avg.</u>
	<u>Good</u>	<u>Poor</u>				
Discussion of Legislature's Policies for Review of Proposed Rules	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>	4.35
	7	9	1	0	0	
Closed Session on Building Code Rule Challenges	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>	4.00
	5	9	1	2	0	
Review and Adoption of Workplan	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>	4.52
	10	6	1	0	0	
Code Dissemination Ad Hoc Report and Recommendations	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>	4.47
	9	7	1	0	0	
To Approve Code Transition Training Contracts	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>	4.31
	7	7	2	0	0	
Manufactured/Prototype Buildings Ad Hoc Report	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>	4.52
	11	4	2	0	0	
Product Approval Ad Hoc Report	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>	4.64
	12	4	1	0	0	
Consideration of Public Comment	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>	4.40
	10	3	1	0	1	
Consideration and Decision on Previously Adopted Base Code Modifications	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>	3.52
	5	3	6	2	1	
Consideration and Decision on Proposed Amendments/Changes to Building Code Rule	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>	3.52
	4	5	5	2	1	
Review of Assignments for Next Month	<u>5</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>	4.45
	7	2	2	0	0	

Rate the Following Aspects of the Meeting?

Clarity of the meeting purpose and plan	$\frac{5 \ 4 \ 3 \ 2 \ 1}{6 \ 7 \ 4 \ 0 \ 0}$	4.11
Balance of structure and flexibility	$\frac{5 \ 4 \ 3 \ 2 \ 1}{4 \ 8 \ 4 \ 1 \ 0}$	3.88
Group involvement and productivity	$\frac{5 \ 4 \ 3 \ 2 \ 1}{8 \ 6 \ 2 \ 0 \ 1}$	4.17
Facilitation	$\frac{5 \ 4 \ 3 \ 2 \ 1}{8 \ 5 \ 2 \ 1 \ 1}$	4.05
Facility	$\frac{5 \ 4 \ 3 \ 2 \ 1}{4 \ 1 \ 4 \ 5 \ 3}$	2.88

Comments:

Terrible planning.

What Did You Like Best About the Meeting?

With a lot of issues to decide the meeting moved forward well.

Closed session.

The tent.

Discussion of code amendments.

The end.

Staff and facilitators did a great job in spite of the surroundings, the minimal time frame, and the volume of work to be done.

How Could the Meeting Have Been Improved?

No more tents!

Better organization of materials - provide executive summary or synopsis of issue to facilitate our decisions.

More organization of notebooks for easier reference.

The information needed better organization so topics being discussed could be readily found.

Organization of materials so you don't have to leaf back and forth to four different documents.

Provide more desk/table space for 2-3 ring binders and other papers.

Be held inside of a building.

Not in tent - copies of indexed books in advance to review.

Try to keep "tent camping" to a minimum.

It would have been better if amendments before commission had been coordinated with fiscal info.

Attachment 2

PRODUCT APPROVAL AD HOC COMMITTEE REPORT Monday, July 10, 2000

PRODUCT APPROVAL AD HOC COMMITTEE REPORT Monday, July 10, 2000

Voting members present: Raul Rodriguez (Chair), Nick D'Andrea, Steve Bassett, Dick Browdy, Steve Corn, Med Kopczynski, George Wiggins, Craig Parrino, Jim Melhtretter and Frank Quintana.

The Ad Hoc discussed the following issues:

Process

The ad hoc recommended that the process be modified so the Commission will receive a recommendation and adopt amendatory text in November 2000. December 2000 the Commission adopt amendments and forward recommendations to the 2001 Legislation.

Update of HB 219

Proposed Definitions:

Evaluation

- Review and issue an opinion
- Task Group (TG) definition; Product Evaluation is the process of determining compliance with the Code for products, construction methods, or building systems not specifically prescribed in the Code.
- Review and issue qualified professional opinion that accomplishes the Task Group definition.
- Determine compliance with the code, added to the TG definition.
- Review of test results to determine allowable and permissible uses and installation procedures of products, methods and systems.

Validation

- Certifying conformance of products, construction methods, or building systems not specifically prescribed in the Code.
- Certifying the entity that approves products, construction methods, or building systems not specifically prescribed in the Code to the Florida Building Commission.
- Evaluation report – verify/certify report that addresses the code requirements for product, i.e. peer review.
- Review of an evaluation report to determine compliance with the Florida Building Code for products, methods or systems.
- Add: issue an opinion for evaluations, certify for validation.
- Process of certification of a product approval or evaluation entity for conformance to an established standard or code criteria.

Question: Does it certify product or certify evaluation entity or opinion?

- a. certifies agency
- b. certifies product

- Act of taking evaluation report and determining that it applies to a situation or product.
- Review of raw data from testing procedures and determination that product tested meets/exceeds the requirements of the code.
- Use opinion and certification and not use word “determination”.
- Process of certification of a product approval report or entity for conformance to an established standard or code criteria.
- Validation is an official per review that all processes were evaluated that were needed for the approval being sought.

Approval

- Florida Building Commission grants product statewide approval status.
- The release of a product or system to be used in compliance with the code.
- Approval by local Building Official for local use at manufacturers option (supplement to statewide approval).
- The consideration and approval by the Florida Building Commission or local jurisdictions for application of products or systems which hold a validation certificate.
- The function performed by Florida Building Commission for statewide use or by local building official for local use indicating the product, method or system is in compliance with the Florida Building Code for installation or use under specified use/conditions.

Accreditation

- Use definition of Approval, except that, a function performed by Florida Building Commission indicating the product evaluation entity, the quality assurance agency, the certification entity or a testing lab, meets the criteria for accreditation set by the Florida Building Commission.
- Add validation entity to definition.
- How will the Florida Building Commission establish criteria?
- Use validation definition.
- Review of a testing laboratory or evaluation entity or quality assurance entity to determine compliance with standards of the Florida Building Code.

Role of the Building Official in the Product Approval system:

- Building Code Officials are validation entities
- Building Officials validates evaluations and approves products for local use.
- in accordance with alternative methods and materials (Section 103.7).
- Building Official may adopt a professional engineers certification and a approval system similar to the state system for products methods or systems to used in their jurisdiction.
- Building officials role – to ensure proper installation of products.
- Giver of permits and certificates of occupancy.

Reasonable fees

- As determined by the payer of the fees.
- Reasonable fees should pay for system – “cost recovery”.
- Maintain consistency with and current comparable fee system.

Long term approval

- Parrino definition – an approval is in place until:
 - Code or performance requirement changes.
 - Product changes, affecting performance.
 - Quality Assurance program no longer in effect.

- Florida Building Commission withdraws approval for a valid reason.
- Doesn't have to coincide with life or expiration date of evaluation report.
- If evaluation agency approval = 2 years - indefinite period - do they have to return to "Florida Building Commission for approval.
- Maintain Quality Assurance not necessarily an "Evaluation" Report
- Long Term approval — 5 years.

Florida Building Commission contract with validation entities? Florida Building Commission to approve validation entities?

- Florida Building Commission should approve, not contract.
- If local Building Officials are "validation" entities - may be sufficient — Florida Building Commission to approve validation entities with Building Officials being those entities.
- Local Building Officials to grant statewide validation? Florida Building Commission should approve entity to oversee validation of local building official.
- Maintain list of validation entities.
- Ad hoc hasn't decided which route to take or if there are other routes.

Validation entities — Government entities?

- Government entities as well as private sector?
- Favor use of private sector - but need to see key definitions.
- If validation includes oversight, limited to government entities.
- If validation is done by private sector it needs government oversight.
- No private validation entities now.
- Integrity, plus ability is not confined to the public sector.
- Validation for national entities — Legislative intent.
- Evaluation entity can not also be a validation entity on the same product — conflict of interest.
- Government should not privatize "approval" authority.

Who keeps list of approved products.

- Don't reinvent the wheel — keep the list with Miami-Dade.
- Florida Building Commission/Department of Community Affairs staff should keep list (clerical functions, not technical functions).
- List of products on-line, accessible, up-to-date.

Small vs large manufacturers — level playing field.

- A competitive system open to public and private will level the playing field.
- Importance of Engineer and Architect to evaluate products.
- Keep door open to local building officials for small manufactures (at manufactures option).
- Peer review for small manufactures. Consider costs etc.

Statewide approval for six products only. How to deal with other products.

- For products not mandated should be an option for statewide approval.
- Florida Building Commission may need criteria for this.
- Will this optional approach lead to more mandatory products.
- High Velocity Hurricane Zone may need additional mandated products. Fold this into statewide process.
- Legislative intent — Manufactures could go to one place for approval.
- Establish statewide process and let manufactures decide whether to opt-in or deal with this locally.

- Statewide authority to deal with anything beyond the six products.
- Prototype building plan approval. (Ad hoc).

Statewide approval affected by more stringent amendment.

- Validation process by local building official.
- May not be an issue - performance to Florida Building Commission controls.
- Local amendments should not discriminate against a product.
- The six products can not be affected by local amendment.
- Statute not clear on this.
- If the local requirement is more stringent, does it fold into statewide system.

Amendment Process

- After legislature approves original process, allow Florida Building Commission to modify by rule.
- Legislature should periodically approve.
- If process can be modified by rule, the Florida Building Commission should issue declaratory statements

Standardize process.

- Use forms - similar to Broward County forms.
- Adopt form by rule.
- Use same criteria for local approval.
- Florida Building Commission will design, approve and distribute form.
- Standardize for local validation.

System Implementation Date

Dates concurrent with grandfathering

Grandfathering

- If presently approved keep that but keep a date certain for expiration.
- Provide 1 year extension?
Implies non-conformance to code (Florida Building Code)
- No grandfathering approval of products
- Any approved products that comply with code should be approved until current expiration dates
- Products that meet requirements of the code but have not gone through evaluation procedures should be grandfathered.

Sub-committee

- The chairman appointed the following to a Grandfathering Sub-committee:
Truly Burton, Craig Parrino/Chair, Lorraine Aulisio, Tom Kopec, Dennis Braddy,
Christ Sanidas, Pete Billing, Raul Rodriguez (Miami Dade).

Integration of public safety features of Miami Dade into State-wide system

Features:

- Government oversight - what level?
- Review what manufacturer does
- Review of tests
- Review of installation
- System of checks and balances - random checks
 - Quick response to complaints
- What will role of government be throughout process
- Code enforcement - needs to be strong
- Labeling - affixed, etc.
- Integrate features into accreditation and validation process
- Label will include design pressure

Jim Melhtretter gave an explanation on the product approval system as outlined by the Product Approval Task Group.

Next meeting - August 21st 9:00 to 12:00

Attachment 3

Attachment 4

Workplan—By Tasks (Unanimously Adopted July 2000)

I. HB 219 — Tasks Mandated by Statute

1. Finalize the Code

A. Establish Criteria for Fiscal Impact Statement of Proposed Amendments and for Reviewing Previously Adopted Modifications to the Base Code That Receive Public Comment Prior to May 19, 2000 [553.73 (7)(a)(b)]

Tasks Schedule

May 2000: Chair elects to address issue at Commission level.

June 2000: Commission holds rule development workshop at June meeting, adopts criteria, and moves to proceed with rule adoption.

August 2000: Rulemaking hearing on adopting criteria for fiscal impact statements.

September/October 2000: Administrative rule adopted.

B. Plans Review Criteria and Minimum Standards [553.73 (4)(a)]

Tasks Schedule

(Including recommendations for emergency management/disaster relief permitting and inspections)

March 2000: Commission assigns task to Ad Hoc.

May- June 2000: Ad Hoc develops recommendations and reports to the Commission.

July 2000: Ad Hoc delivers final recommendations and Commission includes as part of proposed changes to the Building Code Rule.

C. Integrate Standards for State Regulated Facilities Identified in HB 219 [Section 40; 553.73 (1)(2)]

Tasks Schedule

June 2000: Legal reviews and recommends course of action.

July 2000: Proceed with rule adoption after Building Code Rule process finalized.

D. Projects Relating to the Building Construction Industry or Continuing Education Programs [HB 219 Section 40 – 489.109 (3)]

Tasks Schedule

September 2000: Chair appoints Building Construction Issues Ad Hoc and schedules organizational meeting for Ad Hoc.

2. Recommendations Mandated by HB 219 for 2001 Legislative Review

E. Product Approval System

(553.842—Recommendations on a statewide system for product evaluation and approval) Tasks Schedule

June, 1999: TG presents preliminary recommendation to Commission.

October 1999: Commission appoints Ad Hoc to make final recommendations

September-December 1999: Commission receives public comment on recommendation.

December 1999: Ad Hoc convenes and develops recommendations

Commission adopts conceptual design of system.

Commission approved products for approval under the system. [Leg. 7]

January 2000: Commission reviews Ad Hoc's preliminary recommendations.

February 2000: **Commission approves continuing to develop system until July meeting and to report status to the Legislature**

May 2000: Legislature directs Commission to make recommendations and eliminates Commission's rule making authority for the system.

June 2000: Commission reviews Legislative direction and establishes new timelines.

July - November 2000: : Ad Hoc develops recommendations, reviews Commission and public comments, and reports to the Commission.

November 2000: Commission adopts amendatory product approval system recommendations.

December 2000: Commission decides on amendments and adopts final recommendations to present to the Legislature.

F. Examine Applicability of FBC to Storage Sheds and Lawn Storage Buildings [HB 219 – Section 112] Report to 2001 Legislature

Tasks Schedule

July 2000: Referred to Manufactured Building Ad Hoc

September 2000: : Ad Hoc identifies key issues and forms workplan.

November: Commission approves preliminary recommendations and receives public comment.

December 2000: Commission adopts final recommendations.

G. Make Recommendations for Exceptions to Buildings Exempt from the Code [553.73 (7) [553.79 (3)(5)(7)(10)(12)(14)(16)]; [HB 219 – Section 112]

Tasks Schedule

January 2000: Commission appoints Ad Hoc to review and make recommendations.

July 2000: Task assigned to Manufactured Building Ad Hoc (M)

February 2001: Ad Hoc identifies key issues and forms workplan.

II. Education System

H. Information and Communication Support for the Building Code System

Tasks Schedule

September 1999: Center for Professional Development (at FSU) begins assessment phase for system conceptual design

December 1999: Report on assessment phase including system conceptual design

March 2000: Report and status update.

December 2000: System on line and operational

I. Refinement and Further Development/ Implementation of the Education/Training Programs for the Florida Building Code [HB 4181; HB 219— Section 42; Section 89; Section 12] and Transition Training

Tasks Schedule

April 2000: Commission reviews and approves workplan for 2000 – 2001.

June 2000: Commission discusses transition training requirements.

August 2000: Commission Workshop #1: issues identification.

September 2000: Facilitated Rule Development Workshop #1 and Commission Workshop #2: identify key stakeholder's and issues and presentations on existing programs

October 2000: Commission Workshop #3: Ad Hoc preliminary recommendations

November 2000: Commission Workshop #4: Draft recommendations and test for consensus.

Facilitated Rule Development Workshop #2.

December 2000: Commission Workshop #5: Amendatory text of final recommendations.

January 2001: Commission Workshop #6: Review amendment and adopt final recommendations to present to Legislature.

January/February 2001: Report submitted to Legislature.

February – April 2001: Public feedback reviewed and legislative direction reviewed.

May 2001: Commission Workshop #7: Review of Legislative direction and refinement of recommendations.

June 2001: Public comment reviewed for potential modifications.

July 2001: Rule Adoption finalized

III. Ongoing Review and Response to Legislative Mandates

J. Develop Recommendations to the Legislature for Changes to Existing Laws and Conforming Amendments to Laws [553.77 (1)(a)(b)]

Tasks Schedule

June – December 2000: Commission develops recommendations as part of their annual review process and approves recommendations to be included in its report to the 2001 Legislature.

K. Respond to Legislative Mandates

Tasks Schedule

June – December 2000: Commission develops recommendations as part of their annual review process and approves recommendations to be included in its report to the 2001 Legislature.

L. Annual Report to Legislature

Tasks Schedule

June – December 2000: Commission develops recommendations as part of their annual review process and approves recommendations to be included in report to the Legislature.

M. Administrative Support for the Commission and Code Maintenance (Changes/Updates/Format/Glitches)

Tasks Schedule

Ongoing: Commission identifies tasks for staff review and recommendations.

January Annually: Commission reviews recommendations and takes action as needed.

IV. Commission Prioritized Tasks

N. Review Effectiveness of the Manufactured Buildings Regulation and Code Enforcement—s. 553.77(1)(b) [HB 4181 Task] [553.35 – 553.42]

Tasks Schedule

January 2000: Commission adopts amendatory text of recommended changes to law and additional preliminary program recommendations.

February 2000: Commission adopts final recommendations on changes to law and additional preliminary program recommendations.

March - July 2000: Ad Hoc develops recommendations, reviews Commission and public comments, and reports to the Commission.

August 2000: Ad Hoc delivers final recommendations to Commission on effectiveness of manufactured buildings regulation and code enforcement.

Commission receives public comment and approves recommendations to be included in its report to the 2001 Legislature.

O. Code Dissemination Review Royalty and Copyright Agreements and Make Recommendations

Tasks Schedule:

May 2000: Chair appoints Ad Hoc to develop recommendations.

June 2000: Ad Hoc reports preliminary recommendations to the Commission.

July 2000: Ad Hoc reports and develops recommendations for the Commission.

August 2000: Commission approves final recommendations.

P. Establish System for Plans Review and Approval of Prototype Buildings [HB – 4181 Task] [553.77 (6)]

Tasks Schedule:

October 2000: Ad Hoc identifies key issues and forms workplan.

December 2000: Commission approves preliminary recommendations and receives public comment.

January 2000: Commission adopts final recommendations.

Q. Establish Commission Rules of Procedure [Procedural Task]

Tasks Schedule

Develop and adopt recommendations for Commission operational and decision-making procedures and adopt by administrative rule.

September 2000: Commission reviews statutes and identifies key issues.

November 2000: Commission approves preliminary recommendations and receives public comment.

December 2000: Commission adopts final recommendations.

R. Board of Appeals Process [Procedural Task]

September 2000: Commission reviews statutes and identifies key issues.

November 2000: Commission approves preliminary recommendations and receives public comment.

December 2000: Commission adopts final recommendations.

S. Technical Support for the Code [Procedural Task]

Tasks Schedule

Recommendations to Commission for ongoing review and support for technical review of the code.
September 2000: Commission reviews statutes and identifies key issues.

November 2000: Commission approves preliminary recommendations and receives public comment.

December 2000: Commission adopts final recommendations.

T. Role of State in Collaborating with Building Inspection Departments

Tasks Schedule

February 2000: Commission assigns task to Partnership for Building Department Effectiveness Task Group.

February 2001: Ad Hoc identifies key issues and forms workplan.

June 2001: Commission approves preliminary recommendations and receives public comment.

July 2001: Commission adopts final recommendations.

U. Develop Procedure and Process for Commission Commentary [Procedural Task]

Tasks Schedule

Review and adopt recommendations for Legislative consideration.

September 2000: Commission reviews statutes and identifies key issues.

November 2000: Commission approves preliminary recommendations and receives public comment.

December 2000: Commission adopts final recommendations.

V. Voluntary Standards for Building Departments [HB 4181 Task] [553.76 (5)]

ISO Ratings Program for Building Departments [HB 4181] [553.77 (1)(n)]

Tasks Schedule

February 2000: Commission assigns the task of developing recommendations for voluntary professional standards for operation of building departments and personnel development to Ad Hoc: Partnership for Building Department Effectiveness Task Group.

March 2000: Ad Hoc identifies key issues and forms workplan.

May 2000: Ad Hoc develops recommendations and receives presentations from representatives of Miami-Dade and Broward counties, state building officials association (BOAF), the insurance industry, federal emergency management agency (FEMA) and other vested groups.

June 2000: Ad Hoc reports to Commission.

September 2000: Ad Hoc reports to Commission.

October 2000: Ad Hoc develops recommendations, reviews Commission and public comments, and delivers completed recommendations to the Commission.

November 2000: Commission receives public comment and approves recommendations to be included in its report to the 2001 Legislature.

W. Develop Funding Recommendations for Code Enforcement

Note: Part of ongoing review for Commission's annual report to the Legislature.

Tasks Schedule

October 1999: Deferred to DCA Administrative Support Agency and Governor's office to address and make recommendations to the Legislature.

February – December 2000: Staff reviews as needed or requested by the Commission.

July 2000: Task referred to Partnership for Building Department Effectiveness Task Group

February 2001: Ad Hoc identifies key issues and forms workplan.

X. Review Commission and Staff Roles Relative to Public Information and Involvement & Review and Clarify Mutual Roles of DCA and Commission.

Task Schedule:

On Going: Commission and staff hold discussions as needed or requested on mutual roles in providing for public information and involvement in the code process.

Y. Guidelines for Local Government Privatization of Inspection Functions [HB 4181 Task] [553.77 (1)(o)]

Tasks Schedule

Jan. 2000: Commission assigns task to Ad Hoc committee

May 2000: Task referred to Partnership for Building Departments Ad Hoc.

February 2001: Ad Hoc identifies key issues and forms workplan.

Z. Review Creating a Rating System for Structural Integrity Under Storm Conditions

Task Schedule:

February 2001: Commission reviews task, identifies key issues, and forms workplan.

AA. Make Recommendations on FBC Policy for Transition to International Building Code

Task Schedule:

February 2001: Commission reviews task, identifies key issues, and forms workplan.

BB: ISO Ratings Program for Building Departments [HB 4181] [553.77 (1)(n)]

Task Schedule:

February 2001: Commission reviews task, identifies key issues, and forms workplan.

Attachment 5

Product Approval System Development Process Timelines for Key Elements

(Unanimously Adopted March 2000 and Amended June and July, 2000)

Product Approval System Timelines

- The Product Approval Ad Hoc will meet and report monthly to the Commission, and deliver their final recommendations to the Commission by the November ~~December~~ 2000 meeting in order to meet the statutory requirements adopted by the Legislature.
- Adopt Amendatory Text of State Product Approval System including elements of stakeholder's recommendations and elements of Miami-Dade's Product Control System at the November ~~December~~ 2000 meeting.
- Review and decide on amendments to the Product Approval System ~~and present recommendations to the 2001 Florida Legislature~~ at the December 2000 ~~January 2001~~ meeting and present recommendations to the 2001 Florida Legislature.

Development Process

The Commission will utilize the same decision-making process used for the development of the Building Code:

Both the Florida Building Commission and the Product Approval Ad Hoc will seek consensus decisions on particular issues and their package of recommendations for developing the State Product Approval System and for the Commission's Final Recommendations to the Legislature.

The Commission's Consensus building and decision making process is a participatory one whereby on matters of substance, the members jointly strive for agreements which all of the members can accept, support or at least agree not to oppose.

In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on an issue or package of recommendations, and where 100% acceptance or support is not achievable, final decisions of the Commission will require at least a 75% favorable vote of all members present and voting. This super majority decision rule underscores the Commission's view of the importance of seeking and developing agreements with the participation of all members and with which all can live with and support.

Amendment Process

- An amendatory text will be adopted at the November ~~December~~ 2000 meeting of the Florida Building Commission.
- The November ~~December~~ Meeting Summary will be mailed to members after the November ~~December~~ 2000 meeting with amendment forms.
- Deadline for Member Written Amendments—Will be established at the Amendatory Text adoption meeting.
- The Chair will work with staff to organize amendments as editorial and substantive and will move at the December 2000 ~~January 2001~~ meeting the adoption of the editorial amendments as a consent packet. As necessary, the Commission will review and vote separately on any editorial amendment believed to be substantive by any member.
- At the December 2000 ~~January 2001~~ meeting, the Amendment sponsor(s) may accept “friendly” language to their amendments. Amendment sponsors, at the chair’s discretion, may be recognized for brief clarifying comments on the meaning and intent of the amendment. Members or the Chair may request straw polls on amendments.
- Commission members in the room will express consensus or vote on amendments, sections and the overall system or component as amended (no abstentions).
- Consensus reflecting support by 75% or more of the members will be required for inclusion of the amendments, for sections as amended and for the overall System as amended.
- No amendments will be accepted by members from the floor. The Chair may offer amendatory language to seek consensus.

It is anticipated that if the Product Approval Ad Hoc reaches a consensus recommendation prior to the November ~~December~~ 2000 Commission meeting, the Chair, or by a 75% in favor vote of the Commission, may elect to move up the dates for amendatory and final adoption of recommendations for the system. These recommendations will be presented to the 2001 Legislature prior to start of session.

Attachment 6

Code Dissemination Ad Hoc Report and Recommendations

- □ Legal report on the status of the copyright issue.
 - Gave a summary of the meeting with SBCCI regarding the arrangements to produce and distribute the Florida Building Code.
- □ Discussed SBCCI response to issues raised by the Ad Hoc Committee and at the meeting with SBCCI. (See attached SBCCI response).
- □ Draft of the Invitation to Negotiate proposal.
- □ The Ad hoc Committee voted to recommend to the Commission that legal continue to negotiate with SBCCI as the preferred provider for publishing and dissemination of the FBC.
- □ Recommended that the negotiation with SBCCI be completed by the next Commission meeting.
- □ Outlined the contract term negotiation with SBCCI. (See attached).
- □ Discuss the development of a Spanish version of the Florida Building Code.

Committee decided that the cost of producing a Spanish version is too expensive.

Attachment 7

Florida's Building Commission **Report of the Manufactured Building Ad hoc Committee**

Issues of the 7/9/2000 Ad hoc, and accepted at the 7/10/2000 FBC Commission

* **Quorum established:** Attending were Med Kopczynski chair, Craig Parrino, John Calpini, Karl Thorne.

* **Agenda:** Approved the agenda as submitted

* **Minutes:** Approved the June 2000 minutes as submitted

* **Revision of rule 9B-1.** The Committee unanimously approved amendments to be integrated in the revised draft rule for the August meeting. This will include all editorial or formatting issues.

* **Recommendations to amend the Mfg Bldg program.** The committee unanimously approved, deferred or deleted the 42 proposed motions from work by the committee since January 2000.

16 Consent agenda issues

8 Discussion issues

9 Deleted issues- Previously addressed in other recommendations, or exists in the law

8 Deferred issues - Emergency rule on relocatable educational facilities

1 Unresolved issue, relevant to plans review requirements (#26)

* **Fire breakout session:** Proposed a meeting to discuss fire issues with stakeholder's on implementation facilitated (2 hours) prior to FBC. Budgetary concerns and importance of full participation preclude scheduling the meeting separate from and prior to the next meeting of the Commission.

* **Emergency rule:** Discussed the work in progress of the emergency rule relevant to relocatables (schools) report to the committee in August.

* **Upcoming meetings:** August 2000 completion of the Mfg Bldg Ad hoc study with recommendations to the Commission in August 2000. The Prototype Bldg organizational meeting to begin at the August Ad hoc meeting. An invitational letter has been sent out to the prospective stakeholders to attend.

* **Other business:** Discussed other relevant business brought before the committee.

Note: All actions to be integrated into the following: Revision of 9B-1, all forms as well as other programmatic issues for the Mfg Bldg program. The changes will be incorporated in the August Ad hoc meeting and findings and recommendation of the committee will be reported to the Florida Building Commission.